Review of strength of judges

216. SHRIMATI SHOBHANA BHARTIA: Will the Minister of LAW AND JUSTICE be pleased to state:

(a) whether there was a need for strengthening the legal aid system, to provide access to justice to the people;

(b) whether taking into consideration the huge backlog of cases, Government are contemplating to increase the strength of High Courts and Supreme Court judges and was reviewing the situation once in three years, both in the High Courts and Supreme Court;

(c) if so, whether the strength of judges would be increased; and

(d) by when a final decision to increase the strength of judges would be taken?

THE MINISTER OF LAW AND JUSTICE (SHRI H.R. BHARDWAJ): (a) Yes, Sir. To provide for free and competent legal services to the weaker sections of the society to ensure that opportunities for securing justice are not denied to any citizen by reason of economic or other disabilities, and to organise Lok Adalats to secure that the operation of the legal system promotes justice on a basis of equal opportunity, the Legal Services Authorities Act, 1987 was enacted. Further, Section 12 of the National Legal Services Act, 1987 provides for free legal aid to certain categories such as members of SCs & STs, victims of trafficking in human beings or beggar, a woman or a child, mentally ill or otherwise disabled person etc. irrespective of income criteria and also other persons within the income limit prescribed in the said Act.

(b) to (d) In pursuance of the judgment of the Supreme Court of October 6, 1993 in the Supreme Court Advocates on Record & Anrs. *Vs.* the Union of India, the judge strength of the High Courts is reviewed every three years. As per the guidelines, the required strength of permanent Judges in a High Court is worked out by dividing the average institution of main cases during the last five years by the national average or the average rate of disposal of main cases per Judge per year in the High Court, whichever is higher. Similarly, the required strength of additional judges in a High Court is worked out by dividing the number of main cases pending over two years by the national average or the average rate of disposal of main cases per Judge per year in that High Court, whichever is higher. If the disposal per Judge in the concerned High Court is below even the national average then instead of increasing the strength, the concerned High Court is required to take steps for improvement in the rate of disposal of cases. If the average disposal of concerned High Court is above the national average then increase in Judge strength in accordingly considered. The strength of Additional Judges is reviewed only if there is an increase in the arrears of the pending cases during the last 5 years and the disposal per Judge is above the national average.

As a result of a triennial review in the year 2006, 106 posts of Judges, subject to concurrence of the respective State Governments, have been approved in various High Courts as per details given below:

(i)	Allahabad	65 Judges
(ii)	Andhra Pradesh	27 Judges
(iii)	Calcutta	08 Judges

(iv)	Delhi	01	Judge
(v)	Karnataka	01	Judge
(vi)	Kerala	01	Judge
(vii)	Punjab and Haryana	02	Judges
(viii)	Madhya Pradesh	01	Judge

Since the State Governments have to bear the expenditure on the infrastructure and the salaries of the Judges of the High Courts and the connected staff, their approval is sought before finally approving the posts. Till date, the State of Uttar Pradesh, Madhya Pradesh and Karnataka have agreed to bear the expenditure and accordingly, they have been intimated that their strength stands revised. The State Government of Andhra Pradesh have agreed to the creation of only 10 posts which is being examined in consultation with the Chief Justice of India. Since the expenditure on the Delhi High Court is met by the Central Government, their post is also deemed to have been created. The State Governments in the case of other High Courts have yet to respond to the proposal for increase in judge strength. They have, however, been reminded in the matter.

Report on corruption in judiciary

†217. SHRI RAJ MOHINDER SINGH MAJITHA:
DR. MURLI MANOHAR JOSHI:

Will the Minister of LAW AND JUSTICE be pleased to state:

(a) whether Government's attention has been drawn towards the report of Transparency International under the Globe Corruption Report, 2007 in which 77 per cent of the general public has stated the Indian judicial system as corrupt;

(b) if so, reaction of the Government thereto;

(c) whether Government propose to take administrative steps to bring improvement in the judicial system of the country in view of the said report; and

(d) if so, the details thereof?

THE MINISTER OF STATE IN THE MINISTRY OF LAW AND JUSTICE (SHRI K. VENKATAPATHY): (a) Yes, Sir.

(b) to (d) Government has already introduced Judges (Inquiry) Bill, 2006 in the Lok Sabha on 19.12.2006. The Bill seeks to devise a suitable legislative framework for empowering a judicial forum to deal with complaints against judges of the Supreme Court and High Courts and as far as the District and Subordinate Courts are concerned, the respective High Courts are empowered to take cognizance of complaints against the members of the lower judiciary.

Statements of assets and liabilities of judges

218. SHRI VARINDER SINGH BAJWA: Will the Minister of LAW AND JUSTICE be pelased to state:

†Original notice of the question was received in Hindi.